

V THE DIGITALIZATION PROCESS

The Draft Law on the Amendments to the Law on Electronic Communications includes the provision concerning the digitalization process. It is contained in the new Article 104a, which constitutes the legal grounds for passing regulations to deal with certain issues related to financial assistance for procuring equipment for receiving digital television signal. The Article stipulates that the Government, at the proposal of the competent ministry, will enact regulations to regulate more closely the eligibility for receiving assistance, the type of assistance, the source and the manner of earmarking the funds for implementing the help scheme, keeping records about the beneficiaries and other matters related to the help scheme.

While it is useful to create the legislative framework for implementing the help scheme, the formulation of the Article shows that the state is still far from making the decision as to who will be the beneficiaries of the financial assistance for buying the STB devices and the manner of the assistance provision. It seems that the answer to this question is being delayed and left to some future bylaw. The decisions that the Ministry will have to propose to the Government primarily concern the categories of the population that may expect the financial help of the state when purchasing STB (set top box) receivers. If we make the analogy with the persons relieved from paying the television subscription fees, these would probably be elderly people and disabled persons. The assistance could come in the form of vouchers for the purchase of digital receivers, possibly including the installation thereof. The main problem remains the fact that it is still unknown how much money the state can afford to earmark for this purpose. Finally, the question of protection of personal data, the collection of which is entailed by the implementation of the help scheme, also needs to be addressed. Data need to be collected about persons that fall in the category of vulnerable population based on their old age, disability or other grounds, whom the state wants to help be prepared for the digital switchover. Under the Law on Personal Data Protection, personal data may be collected based on their express and informed approval in writing. If the idea is not to take directly such data from the beneficiaries, but to obtain them from other organizations that already have such data, such as centers for social work, such manner of data collection should be prescribed by the Law and not by a regulation of lower rank.